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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,043	07/08/2003	Jerome W. Graske	LUC-414/Graske 1-2-6	3875
47382	7590	03/14/2006	EXAMINER	
CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			GARY, ERIKA A	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,043	Applicant(s) GRASKE ET AL.	
	Examiner Erika A. Gary	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/13/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohtia et al., US Patent Number 6,560,456 (hereinafter Lohtia) in view of prior art made of record in the first office action, Gustafsson, US Patent Number 6,351,647 (hereinafter Gustafsson).

Regarding claims 1, 12 and 26, Lohtia discloses a method, apparatus, and article for receiving a short message service request from a mobile station to receive one or more notifications of any one or more weather alerts that occur during a time period; and sending a notification of a weather alert, of the one or more notifications of the any one or more weather alerts, to the mobile station upon an occurrence of the weather alert during the time period [fig. 4; col. 2: lines 8-12, 36-41, 50-51].

What Lohtia does not specifically disclose is that the mobile station registers with a weather alert notification component by sending an SMS request. However, Gustafsson teaches this limitation [col. 6: lines 20-36; col. 6: line 66 – col. 7: line 14]

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Lohtia to include Gustafsson. The motivation for this combination would have been ensure that the user is registered to receive their desired information.

Regarding claims 2, 3 and 14, Lohtia discloses withholding a second notification of a second weather alert from the mobile station upon an occurrence of the second weather alert after the time period or upon expiration of the time period [col. 7: lines 5-10; col. 8: lines 52-54].

Regarding claims 4 and 18, Lohtia disclose evaluating a weather criteria profile associated with the mobile station upon the occurrence of the weather alert during the period of time; and sending the notification of the weather alert to the mobile station if the weather alert matches at least one criteria of the weather criteria profile associated with the mobile station [col. 8: lines 40-42, 52-54].

Regarding claim 5, Lohtia discloses withholding from the mobile station a second notification of a second weather alert that fails to match at least one criteria of the weather criteria profile associated with the mobile station [col. 7: lines 5-10; col. 8: lines 52-54].

Regarding claims 6 and 19, Lohtia discloses determining a location of the mobile station upon the occurrence of the weather alert during the time period; comparing an area associated with the weather alert to the location of the mobile station; and sending the notification of the weather alert to the mobile station if the location of the mobile station is within the area associated with the weather alert [col. 5: lines 27-32].

Regarding claims 7 and 20, Lohtia discloses polling the mobile station for the location of the mobile station [col. 5: lines 27-32].

Regarding claim 8, Lohtia discloses comparing a time of the occurrence of the weather alert to the time period associated with the mobile station; and sending the

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notification of the weather alert to the mobile station if the occurrence of the weather alert happens during the time period [col. 2: lines 50-51; col. 8: lines 52-54].

Regarding claim 9, Lohtia discloses comparing the time of the occurrence of the weather alert to a second time period associated with a second mobile station; and withholding the notification of the weather alert to the second mobile station if the occurrence of the weather alert happened after the second time period [col. 8: lines 40-42, 50-52; col. 10: lines 22-28].

Regarding claim 10, Lohtia discloses sending the notification of the weather alert to the mobile station upon the occurrence of the weather alert during the time period if the mobile station is registered to receive the alert [col. 2: lines 50-51].

Regarding claim 11, Lohtia discloses withholding the notification of the weather alert to the mobile station if the mobile station is not registered to receive the alert [col. 2: lines 50-51].

Regarding claim 13, Lohtia discloses a timer that maintains the time period associated with the mobile station, wherein the time is initialized upon receipt of the SMS request from the mobile station [col. 8: lines 52-54].

Regarding claim 15, Lohtia discloses the registration component serves to register the mobile station for the time period upon receipt of the SMS request from the mobile station; wherein the weather alert notification component sends the notification of the weather alert to the mobile station if the mobile station is registered [col. 2: lines 50-51; col. 8: lines 40-42, 52-54].

Regarding claim 16, Lohtia discloses the weather alert notification component withholds the notification of the weather alert from the mobile station if the mobile station is unregistered [col. 2: lines 50-51; col. 8: lines 40-42, 52-54 (time period to receive alerts has expired)].

Regarding claim 17, Lohtia discloses wherein upon receipt of the SMS message, the registration component initiates a time associated with the mobile station, wherein the registration component unregisters the mobile station upon expiration of the time period [col. 2: lines 50-51; col. 8: lines 40-42, 52-54].

Regarding claims 21 and 22, it is inherent in the art for the weather alert generator to comprise the National Weather Service or the National Oceanic and Atmospheric Administration.

Regarding claim 23, it is inherent in the art to employ a triangulation to determine the location of a mobile station to send location-based information.

Regarding claim 24, it is inherent in the art for the area associated with a weather alert to comprise a specific area message encoding area.

Regarding claim 25, Lohtia discloses a weather alert generator that issues the weather alert to the weather alert notification component [col. 5: lines 27-32].

Response to Arguments

3. Applicant's arguments filed February 13, 2006 have been fully considered but they are not persuasive. Applicant argues that Gustafsson does not teach "registering the mobile station with a weather alert notification component upon receipt of an SMS

request from the mobile station". However, the Examiner respectfully disagrees as this is clearly taught by Gustafsson [col. 6: lines 20-36; col. 6: line 66 – col. 7: line 14]. It is inherent in Gustafsson that the mobile station is "subscribing" to the weather service by sending the SMS request and the mobile station is "authenticated" as its request is carried out. Thus, sending the SMS request is interpreted as registering with the weather alert notification component. Further, Applicant's specification discloses "a need exists for a weather alert notification service that provides a notification of a weather alert to a mobile station without prior subscription to the weather alert notification service." Gustafsson clearly teaches this feature.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
March 8, 2006


ERIKA A. GARY
PRIMARY EXAMINER